

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLAUDIO CABRERA,

Plaintiff,

ORDER

-against-

17-CV-2221 (MKB)

FROST RESTAURANT INC., et al.,

Defendants.

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This Court has reviewed the parties' Stipulation of Conditional Collective Certification and attachments, Docket Entry ("DE") #18, and requires the following modifications:

(1) Neither the Court Authorized Notice of Lawsuit (DE #18-1), nor the Consent to Become a Party Plaintiff (DE #18-2), clearly informs prospective opt-ins that they may retain their own attorneys or proceed *pro se*; nor do the documents provide the Court's address, where the Consents forms should be sent if an opt-in retains separate counsel or proceeds *pro se*.

(2) Part VII of the Court Authorized Notice of Lawsuit, and the Consent to Become a Party Plaintiff, do not make clear that in the event of a settlement, the one-third contingency fee may be deducted from the opt-in's settlement proceeds.

(3) Part V and the last paragraph of Part III of the Court Authorized Notice of Lawsuit do not alert the prospective opt-ins to the running of the statute of limitations.

The parties shall promptly confer and file amended documents, as described above.

SO ORDERED.

Dated: Brooklyn, New York
August 7, 2017

/s/ Roanne L. Mann

ROANNE L. MANN
CHIEF UNITED STATES MAGISTRATE JUDGE